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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,303	03/22/2004	Paul Hepworth	3271.2.26	1818
21552 7590 04/28/2009 AUSTIN RAPP & HARDMAN 170 South Main Street, Suite 735 SALT LAKE CITY, UT 84101				
EXAMINER				
SEYE, ABDOUK				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/806,303

**Applicant(s)**

HEPWORTH ET AL.

**Examiner**

Abdou Karim Seye

**Art Unit**

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-32 are pending in this application.

**Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-13, 15-21, 24-28 and 30-32, are rejected under 35 U.S.C. 103 (a) as unpatentable over Salim et al (US 20040113791) in view of Block et al (US 20050021751).

4. As to claims 1 and 18, Salim, teaches the invention substantially as claimed including an object identifier reader ( 716, FIG. 9; 20, FIG. 1; paragraph 13), comprising:
  - a communication port (720, FIG. 9; paragraph 143; Fig. 1 ) with a host computing device (10, FIG. 1);
  - a storage medium (15, FIG. 1);
  - a processor (30, Fig 1; paragraph 30);
  - a memory (26, Fig. 1) in electronic communication with the processor (FIG. 1) ; and

instructions stored in the memory (paragraph 31), the instructions being executable for reading an object identifier to obtain data (paragraph 13 and 30);

automatically determining whether to send the data to the host computing device or to store the data in the storage medium (paragraph 30); and

5. Salim does not explicitly teach automatically attempting to send stored data in the storage medium to the host computing device in response to determining that the object identifier reader is connected to the host computing device.

6. Block teaches a data transfer mechanism that automatically attempts to send data ("attempted transmit"; FIG. 10; paragraph 87) after determining that connection is established between a source-node/reader and a target-node/host computing device ("connection detected"; FIG. 10; paragraph 88) .

7. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Slim 's invention with Block's to provide a mechanism that automatically attempting to send stored data in the storage medium to the host computing device in response to determining that the object identifier reader is connected to the host computing device, because it would improve the performance of Slim's system by providing a reliable and efficient communication between nodes (Block's; abstract)

8. As to claim 15, Salim, teaches the invention substantially as claimed including an object identifier reader ( 716, FIG. 9; 20, FIG. 1; paragraph 13), comprising:

a communication port (720, FIG. 9; paragraph 143; Fig. 1 ) for communicating with a host computing device (10, FIG. 1);

a storage medium (15, FIG. 1);

a processor (30, Fig 1; paragraph 30);

a memory (26, Fig. 1) in electronic communication with the processor (FIG. 1) ; and instructions stored in the memory (paragraph 31), the instructions being executable reading an object identifier to obtain data (paragraph 13 and 30);

storing the data in the storage medium (paragraph 30);

9. Salim does not explicitly teach automatically determining whether the object identifier reader is connected to the host computing device and automatically attempting to connect to the host computing device if the object identifier reader is not connected to the host computing device; and automatically attempting to send stored data in the storage medium to the host computing device in response to determining that the object identifier reader is connected to the host computing device.

10. Block teaches a data transfer mechanism that automatically attempts to send data ("attempted transmit"; FIG. 10; paragraph 87) after determining that connection is established between a source-node/reader and a target-node/host computing device ("connection detected"; FIG. 10; paragraph 88; paragraph 7 and 53) .

11. As to claims 2 and 19, Block teaches, wherein the data are stored in the storage medium and at least one attempt is made to send the data to the host computing device (FIG. 10; paragraph 87).

12. As to claims 3 and 20, Block teaches, wherein at least one attempt is made to send the data to the host computing device if the storage medium is empty, and wherein the data are stored in the storage medium if the at least one attempt fails or if the storage medium is not empty (paragraph 87 and 89).

13. As to claims 4 and 21, Block teaches, wherein at least one attempt is made to send the data to the host computing device, and wherein the data are stored in the storage medium if the at least one attempt fails (paragraph 89).

14. As to claims 7 and 24, Salim teaches, wherein the method instructions are also executable for clearing the stored data from the storage medium when the stored data are sent to the computing device (paragraph 30).

15. As to claims 8 and 25, Block teaches wherein the instructions are also executable for attempting to connect to the host computing device (paragraph 53) .

16. As to claims 9, Salim teaches, wherein the storage medium comprises non-volatile storage (paragraph 137; wherein a POS and a host computer are know in the art to include non-volatile storage) .

17. As to claim 10, Salim teaches, wherein the storage medium further comprises volatile storage (wherein a POS and a host computer are know in the art to include volatile storage).

18. As to claims 11 and 26, Salim teaches an additional storage medium for storing a copy of the data as a log (702, FIG. 9).

19. As to claims 12 and 27, Salim teaches saving metadata in the storage medium to differentiate buffered data from log data (paragraph 129).

20. As to claims 13 and 28, Block teaches wherein the instructions are also executable for disconnecting from the host computing device if the object identifier reader is connected to the computing device and the object identifier reader does not have any data to send to the host computing device (FIG. 6; paragraph 64).

21. As to claims 16 and 31, they are rejected for the same reasons as claims 15 and 2-3 above.

22. As to claims 17 and 32, they are rejected for the same reasons as to claims 15 and 3 above.

As to claim 30, it is rejected for the same reasons as claim 15 above.

23. 16. Claims 5-6, 14, 22-23 and 29 , are rejected under 35 U.S.C. 103 (a) as being unpatentable over Salim et al (US 20040113791) in view of Block et al (US 20050021751), and further in view of Zhu et al (US 20050103854).

24. As to claims 5-6 and 22-23, Salim and Block failed to teach wherein reading the object identifier is performed by a main task, steps of the method are performed by a data task that executes in parallel to the main task; and wherein the main task and the data task execute sequentially. Zhu teaches a mechanism wherein a main task and a data task can execute sequentially (paragraph 348) and in parallel ( paragraph 319 and 328) when processing a barcode. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Salim, Block and Zhu because the parallel and sequential execution of the main task and data task from Zhu will improve the efficiency of Salim and Block 's system by



providing efficient use of the barcode reading systems in a live video operation (Zhu's; paragraph 174).

25. As to claims 14 and 29, Zhu teaches entering a power-saving mode if the storage medium is empty or if the object identifier reader cannot connect to the host computing device after a period of time (paragraph 103; wherein the claimed element "power management" meets the claimed limitation of the claim ).

### ***Response to Arguments***

26. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to

37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Abdou Karim Seye/  
Examiner, Art Unit 2194

